

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID L. FISH, JR.,

Plaintiff,

v.

Civ. A. No. 05-11619-RGS

MARINE BIOLOGICAL LABORATORY,

Defendant.

DEFENDANT MARINE BIOLOGICAL LABORATORY'S
MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Fed. R. Civ. P. 12(c), Defendant Marine Biological Laboratory (the "MBL") moves this Court to dismiss all claims contained in Plaintiff David L. Fish, Jr.'s ("Plaintiff") Complaint. In support of this motion, the MBL states that, based on the facts presented in the pleadings, Plaintiff can prove no facts in support of his claim that entitle him to relief under the Federal Equal Pay Act, Title VII of the Civil Rights Act of 1964, Massachusetts General Laws Chapter 151B or the Massachusetts Equal Pay Act. Additionally, Plaintiff's state-law claims are preempted by Section 301 of the Labor-Management Relations Act. 29 U.S.C. § 185.

The grounds for this Motion are set forth in detail in the accompanying memorandum.

WHEREFORE, Defendant moves that the Court:

- (1) Dismiss all claims contained in Plaintiff's Complaint;
- (2) Order such relief as is just and proper.

REQUEST FOR ORAL ARGUMENT

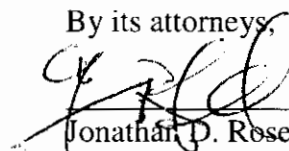
Because the MBL believes that oral argument will assist the Court in deciding this matter, it

respectfully requests a hearing as to its Motion for Judgment on the Pleadings.

Respectfully submitted,

THE MARINE BIOLOGICAL LABORATORY,

By its attorneys,

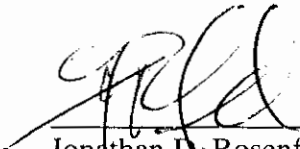


Jonathan D. Rosenfeld (BBO# 556172)
Julie Murphy Clinton (BBO# 655230)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
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(617) 526-6000

Dated: August 30, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

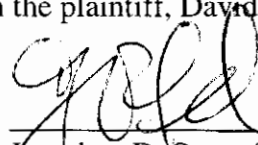
Pursuant to Local Rule 7.1(A)(2), counsel for Marine Biological Laboratory certify that they have contacted Plaintiff in an attempt to resolve or narrow the issues addressed in this Motion, but have not received any return phone call.


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CERTIFICATE OF SERVICE

I, Jonathan D. Rosenfeld, hereby certify that on August 30, 2005, I caused a copy of the foregoing Answer to be served by first-class mail upon the plaintiff, David L. Fish, Jr.


Jonathan D. Rosenfeld